



0120 Rec'd PCT/NO 29 APR 2003 PCT

I hereby certify that on April 24, 2003, this correspondence and any attachments are being deposited with the United States Postal Service as First Class Mail, postage pre-paid, in an envelope addressed to: Attention: Office of Petitions, Assistant Commissioner for Patents, Box DAC, Washington, DC 20231.

Jennifer D. Ahearn
Jennifer Ahearn

PATENT
Atty. Docket No. 31574-7

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

LEONARD MAXWELL ET AL.

Serial No.: 10/031,723

Filed: January 18, 2002

For: A SWITCH

RECEIVED

28 AUG 2003

International Division

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(A) OR, IN THE ALTERNATIVE, UNINTENTIONALLY UNDER 37 CFR 1.137(B)

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, DC 20231

Sir:

Applicants hereby petition for the revival of the above-referenced patent application that became abandoned unavoidably. Specifically, the above-identified application became abandoned for failure to file a timely and proper reply to the

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Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office. The reply to this Notification was required to include the executed Declaration.

In this regard, the Applicants represent that they: (i) are a foreign entity and were unaware of the U.S. filing requirements; (ii) immediately began attempting to obtain the signatures of all inventors on the Declaration upon notification from their U.S. patent attorney, which notification was given immediately upon their request to file the national stage application in the U.S.; (iii) obtained the signatures of all of the inventors other than Roy Warren in January of 2002, but were only able to obtain the signature of Mr. Warren, on February 10, 2003; (iv) while still attempting to obtain Mr. Warren's signature, became aware of questions regarding whether Mr. Warren was in fact an inventor; (v) in order to preserve their rights in the event that it became apparent that Mr. Warren was not an inventor, filed a continuation application (Serial No. 10/273,429), without a declaration, naming the five inventors other than Mr. Warren; and (vi) just recently concluded their investigation and determined that Mr. Warren was in fact an inventor. It is noted that the '429 continuation application will be abandoned upon the granting of this petition.

In view of the foregoing facts, the entire delay from the abandonment of the application to the present filing is believed to have been unavoidable. Despite reasonable efforts, Applicants could not obtain the executed declaration from Mr.

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Warren until February 10, 2003, and then could not in good faith submit the declaration until they had resolved the questions of inventorship. Applicants claim small-entity status and the small-entity petition fee of \$55.00 is being submitted herewith, together with the Declaration executed by all six originally listed inventors and the small-entity surcharge of \$65.00 for responding to the Notification of Missing Requirements Under 35 U.S.C. § 371 in the United States Designated/Elected Office. As this patent application was filed on or after June 8, 1995, no terminal disclaimer is required.

In the alternative, Applicants request that the above-referenced patent application be revived based on unintentional delay. In this regard, the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. In the event that revival is based upon unintentional delay rather than unavoidable delay, please charge the difference in the small-entity petition fee to our Deposit Account No. 13-3735.

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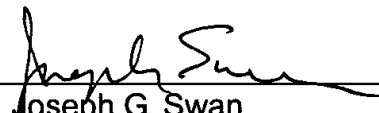
If there are any fees due in connection with the filing of this paper that have not been accounted for in this paper or the accompanying papers, please charge the fees to our Deposit Account No. 13-3735. If an extension of time under 37 C.F.R. 1.136 is required for the filing of this paper and is not accounted for in this paper or the accompanying papers, such an extension is requested and the fee (or any underpayment thereof) should also be charged to our Deposit Account. A duplicate copy of this page is enclosed for that purpose.

Respectfully submitted,

MITCHELL, SILBERBERG & KNUPP LLP

Dated: April 24, 2003

By


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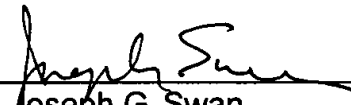
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